



House of Representatives

General Assembly

File No. 367

February Session, 2018

Substitute House Bill No. 5392

House of Representatives, April 10, 2018

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AIRPORTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-88 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 As used in this section, sections [15-88] 15-89 to 15-97, inclusive, and
4 section 2 of this act, unless the context otherwise requires:

5 (a) "Airport" means any area of land or water designed for the
6 landing and taking-off of aircraft and utilized or to be utilized by the
7 public as a point of arrival or departure by air navigation.

8 (b) "Airport hazard" means any structure or tree which obstructs or
9 may hereafter obstruct the aerial approaches of a publicly-owned
10 airport.

11 (c) An airport is "publicly-owned" if the portion thereof used for the
12 landing and taking-off of aircraft is owned or operated by a

13 governmental body, political subdivision, public agency or other
14 public corporation.

15 (d) "Structure" means any object constructed or installed by man,
16 including such objects although regulated or licensed by other
17 provisions of law.

18 (e) "Tree" means any object of natural growth.

19 (f) "Meteorological evaluation tower" means a structure that (1) is
20 self-standing or supported by guy wires or anchors; (2) is not more
21 than six feet in diameter at the base; and (3) has accessory facilities on
22 which an antenna, sensor, camera, meteorological instrument or other
23 equipment is mounted for the purpose of documenting whether a site
24 has sufficient wind resources for the operation of a wind turbine
25 generator, but does not include a structure that is located adjacent to a
26 building, including a barn, an electric utility substation or in the
27 curtilage of a residence.

28 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) A meteorological
29 evaluation tower that is at least fifty feet but not more than two
30 hundred feet in height above ground level: (1) Shall be painted in
31 equal alternating bands of aviation orange and white, beginning with
32 orange at the top of the tower; (2) shall have aviation orange marker
33 balls installed and displayed in accordance with the standards
34 contained in current federal regulations and Federal Aviation
35 Administration advisory circulars; and (3) may not be supported by
36 guy wires unless the guy wires have a seven-foot-long safety sleeve at
37 each anchor point that extends from the anchor point along each guy
38 wire attached to the anchor point.

39 (b) (1) A person who violates subsection (a) of this section shall be
40 guilty of a class C misdemeanor.

41 (2) A violation of subsection (a) of this section that causes the death
42 or bodily injury of another person shall be a class A misdemeanor.

43 Sec. 3. (*Effective from passage*) The Tweed-New Haven Airport

44 Authority shall study the economic impact of a runway improvement
45 plan. Not later than January 1, 2019, the authority shall submit a report
46 of the results of such study to the joint standing committee of the
47 General Assembly having cognizance of matters relating to
48 transportation, in accordance with the provisions of section 11-4a of
49 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	15-88
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1, the introductory language and the definition of "Meteorological evaluation tower" were rewritten for accuracy and clarity.

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates new violations for marking requirements and, to the extent that offenders are fined, results in potential minimal revenue gain.

The bill also authorizes Tweed New Haven Airport to study the economic impact of a runway improvement plan which is not anticipated to result in a fiscal impact to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5392*****AN ACT CONCERNING AIRPORTS.*****SUMMARY**

This bill establishes marking requirements for “meteorological evaluation towers” (METs) that are between 50 and 200 feet above ground level. These towers are not subject to the Federal Aviation Administration’s (FAA) air hazard evaluation process or any compulsory marking because they are below its height threshold (see BACKGROUND). The bill’s marking requirements correspond to FAA guidance on the voluntary marking of METs.

Under the bill, a violation of these marking requirements is a class C misdemeanor, punishable by a fine of up to \$500, up to three months in prison, or both. If the violation causes the death or bodily injury of another person, it is a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both.

The bill also requires the Tweed-New Haven Airport Authority to study the economic impact of a runway improvement plan and report its findings to the Transportation Committee by January 1, 2019.

EFFECTIVE DATE: October 1 2018, except the runway improvement study requirement is effective upon passage.

METEOROLOGICAL EVALUATION TOWER MARKING***METs Defined***

Under the bill, a meteorological evaluation tower is a structure that (1) is self-standing or supported by guy wires or anchors; (2) is six feet or less in diameter at the base; and (3) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted to document whether a site has sufficient wind

resources to operate a wind turbine generator. METs do not include structures adjacent to a building, including a barn, electric utility substation, or the curtilage of a residence.

MET Marking Requirements

Under the bill, METs must:

1. be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower;
2. have aviation orange marker balls installed and displayed in accordance with FAA regulations and advisory circulars; and
3. not be supported by guy wires, unless the wires have, at each anchor point, a seven foot long safety sleeve that extends from the anchor point along each wire attached to it.

These marking requirements correspond to those recommended in the FAA's Obstruction Lighting and Marking advisory circular (70/7460-1L).

BACKGROUND

FAA Air Hazard Review

FAA regulations require anyone proposing to construct or alter a structure greater than 200 feet high to file notice with the FAA. The FAA reviews notices to determine whether the proposed construction is hazardous to air navigation and, if applicable, determine appropriate mitigation measures, such as marking and lighting requirements (14 C.F.R. §77.5 et seq.). Although METs, as defined in the bill, are not required to be reported to the FAA, agency policy recommends the voluntary marking of such towers, according to its guidance (76 Fed. Reg. 36983).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/23/2018)